

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-4 and 6-12 will be pending. By this amendment, claims 1-4 have been amended. No new matter has been added.

§112 Rejection of Claims 1 and 6-7

On page 2 of the Office Action, the Examiner has rejected claims 1 and 6-7 under 35 U.S.C. §112, second paragraph as failing to set forth the subject matter which the applicant regards as the invention. Claim 1 has been amended to address the rejection.

§103 Rejection of Claims 1-4

On page 2 of the Office Action, the Examiner has rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over English version of JPO Pub 09-000739 (hereinafter referred to as "JPO '739") in view of Nogay *et al.* (U.S. Patent 5,993,088; hereinafter referred to as "Nogay"). Claims 1-4 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that there are games "for carrying out ... motor-cycle or car racing" and roll playing games "in which a character [is] moved by a player operation". "Such video game proceeds to the next game stage, as the player clears a game stage, and comes to a close when the player clears the last stage." "In the conventional domestic game apparatus, only the picture or the sound, changing with the game progress, can be enjoyed." *Page 1, lines 10-16 of the Specification.* Thus, it was disclosed that

the conventional games do not provide any means to preserve the game status as the game progresses from stage to stage.

The structure and steps of the video game system, apparatus, method, and program described in claims 1-4 are designed to overcome the above-described shortcomings of the conventional video game system, apparatus, method, and program. For example, the video game system of claim 1 includes:

“a video game apparatus which comprises:

video game software program readout means for reading out a video game software program from a video game program recording medium, having recorded thereon said video game software program, said video game software program being made up of a main portion of the video game software program, printing contents data and a printer driver for printing said printing contents data;

a non-volatile memory for storing a printer driver along with information on game progress;

printer driver updating means for updating the printer driver stored in said non-volatile memory by the new printer driver contained in the game software program read out by said video game software program readout means; and

printing controlling means for reading out the printer driver stored in said non-volatile memory to a work memory and for converting the printing contents data read out from said video game program recording medium by said video game software program readout means into printing data by using the printer driver on said work memory to output the printing data; and

a printing apparatus for printing said printing data in the course of the progress of the video game;

wherein said printer driver includes: a common engine module for performing a process which is not dependent on the printer type, and a plurality of dedicated engine modules, each corresponding to a respective type of printer, for performing a process which is dependent on the printer type.”

(emphasis added)

In the system of claim 1, the progress or status of the game can be preserved by converting the progress of the video game embodied in the contents into printing data and outputting the printing data during the course of the video game.

It was indicated on page 3 of the Office Action that JPO '739 discloses a video game system comprising a video game apparatus, video game software program readout means, a non-volatile memory, a printer driver, printing control means, a printing apparatus. However, JPO '739 fails to teach or suggest a video game apparatus which can preserve the progress or status of the game by converting the progress of the video game embodied in the contents into printing data and outputting the printing data during the course of the video game.

Further, since Nogay merely discloses a printer driver, JPO '739 and Nogay, in combination or individually, fail to specifically teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, it is submitted that claim 1 is not rendered obvious by the teachings of JPO '739 and Nogay, and therefore, should be allowable over JPO '739 and Nogay. Further, since the limitations of claims 2-4 closely parallel, and include substantially similar limitations as, claim 1, claims 2-4 should also be allowable over JPO '739 and Nogay.

Accordingly, it is submitted that the Examiner's rejection of claims 1-4 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 1-5, 7, 9 and 11-12

On page 4 of the Office Action, the Examiner has rejected claims 1-5, 7, 9 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Pease *et al.* (U.S. Patent No. 5,759,102; hereafter "Pease") in view of Nogay. Claims 1-4 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that there are games "for carrying out ... motor-cycle or car racing" and roll playing games "in which a character [is] moved by a player operation". "Such video game proceeds to the next game stage, as the player clears a game stage, and comes to a close when the player clears the last stage." "In the conventional domestic game apparatus, only the picture or the sound, changing with the game progress, can be enjoyed." *Page 1, lines 10-16 of the Specification.* Thus, it was disclosed that the conventional games do not provide any means to preserve the game status as the game progresses from stage to stage.

The structure and steps of the video game system, apparatus, method, and program described in claims 1-4 are designed to overcome the above-described shortcomings of the conventional video game system, apparatus, method, and program. For example, the video game system of claim 1 includes:

"a video game apparatus which comprises:

video game software program readout means for reading out a video game software program from a video game program recording medium, having recorded thereon said video game software program, said video game software program being made up of a main portion of the video game software program, printing contents data and a printer driver for printing said printing contents data;

a non-volatile memory for storing a printer driver along with information on game progress;

printer driver updating means for updating the printer driver stored in said non-volatile memory by the new printer driver contained in the game software program read out by said video game software program readout means; and

printing controlling means for reading out the printer driver stored in said non-volatile memory to a work memory and for converting the printing contents data read out from said video game program recording medium by said video game software program readout means into printing data by using the printer driver on said work memory to output the printing data; and

a printing apparatus for printing said printing data in the course of the progress of the video game;

wherein said printer driver includes: a common engine module for performing a process which is not dependent on the printer type, and a plurality of dedicated engine modules, each corresponding to a respective type of printer, for performing a process which is dependent on the printer type.”

(emphasis added)

In the system of claim 1, the progress or status of the game can be preserved by converting the progress of the video game embodied in the contents into printing data and outputting the printing data during the course of the video game.

It was indicated on page 4 of the Office Action that Pease discloses a method and apparatus for downloading information to a peripheral device coupled to a computer, such as a gaming terminal. In particular, Pease discloses a process for using the computer to transfer the information to the peripheral device after receipt from an external device. According to Pease, the gaming terminal may be an electronic slot machine, electronic keno machine, electronic card game machine, and electronic lottery terminals. The peripheral device may be a bill acceptor, a coin acceptor, a card reader, input/output devices, and audio devices. For example, when the peripheral device, such as a bill acceptor, needs to be reprogrammed in response to newly discovered counterfeiting or other cheating schemes, the programming information can be downloaded to that peripheral device through the gaming terminal. This “is less labor-intensive and less costly than previously possible, preferably without requiring individual direct access to each peripheral device which is being reprogrammed.” *Pease, column 2, lines 24-27.*

Thus, even assuming that the peripheral device includes a printer, the gaming terminal in Pease is only used as a conduit for downloading the programming information to the peripheral

device. Furthermore, Pease discloses "it may be necessary to suspend operation of the gaming terminal during downloading from the information source to the gaming terminal, and/or from the gaming terminal to the peripheral." *Pease, column 6, lines 34-37.* Therefore, the programming information of Pease is unrelated to the progress of the game on the gaming terminal itself.

Further, since Nogay merely discloses a printer driver, Pease and Nogay, in combination or individually, fail to specifically teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, it is submitted that claim 1 is not rendered obvious by the teachings of Pease and Nogay, and therefore, should be allowable over Pease and Nogay. Further, since the limitations of claims 2-4 closely parallel, and include substantially similar limitations as, claim 1, claims 2-4 should also be allowable over Pease and Nogay. Since claims 7, 9, and 11-12 depend from claims 1-4, claims 7, 9, and 11-12 should also be allowable over Pease and Nogay. Claim 5 has been canceled.

Accordingly, it is submitted that the Examiner's rejection of claims 1-5, 7, 9 and 11-12 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 6, 8, and 10

On page 5 of the Office Action, the Examiner has rejected claims 6, 8, and 10 under 35 U.S.C. §103(a) as being unpatentable over Pease and Nogay in view of Fawcett *et al.* (U.S. Patent No. 5,678,002; hereafter "Fawcett").

Based on the foregoing discussion regarding claims 1-3, and since claims 6, 8, and 10 depend from claims 1, 2, and 3, respectively, claims 6, 8, and 10 should be allowable over Peases

and Nogay. Furthermore, since it is stated that Fawcett discloses the ability to provide patches and/or upgrades to features of a client's computer, the combination of Pease, Nogay, and Fawcett fails to teach or suggest all the limitations of claims 1-3. Therefore, claims 6, 8, and 10 should be allowable over the combination of Pease, Nogay, and Fawcett.

Accordingly, it is submitted that the Examiner's rejection of claims 6, 8, and 10 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-4 and 6-12 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

PATENT
Serial No. 09/892,915
Attorney Docket No. 450100-03260

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee, Reg. No. 42,791

William S. Frommer
Reg. No. 25,506
(212) 588-0800